

**TOWN OF DAVIE  
REGULAR MEETING  
NOVEMBER 5, 2003**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present at the meeting were Mayor Truex, Vice-Mayor Starkey, Councilmembers Hubert, Crowley and Paul, Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

**3. OPEN PUBLIC MEETING**

Mayor Truex opened the Open Public Meeting and advised of the rules of the meeting.

Brenda Chalifour, environmental attorney for Save Our Shoreline, showed Council a video presentation that opposed the runway expansion and encouraged citizens concerned about the airport expansion to call the Broward County Commissioners. She advised that on November 19th, the County Commissioner's would give further information about the impact of the airport expansion on the Town, and would also hold two meetings on December 2nd and 9th, to decide on some alternatives. Ms. Chalifour requested that Council obtain a copy of the November 19th report which would outline alternatives to preserve the environment and homes. She thanked Vice-Mayor Starkey and Mayor Truex for their support.

Mayor Truex agreed that the current airport expansion plans would be a disaster for the Town. He asked Mr. Willi if there was a request for additional money for education on this effort from the cities of Hollywood and Dania Beach. Mr. Willi advised that there was a joint meeting between Dania, Hollywood and the Town's Airport Advisory Committees. He stated that the result of the meeting was that each city was asked to request \$5,000 from their municipalities for an advertising campaign. Mayor Truex spoke in favor of getting the media campaign underway. He felt that the issue was time-sensitive and needed Council's approval.

Councilmember Paul asked what the campaign would specifically be used for. Ms. Chalifour stated that it was basically an ad campaign to get the word out to the public in order to share the information to those residents who would be specifically impacted by the expansion.

Mayor Truex suggested adding this topic to the list for discussion.

Arthur Joseph provided a handout, and then took issue with the way in which Mr. Willi's contract was reconsidered. He paraphrased *Roberts Rules of Order*, stating that if a person were on the prevailing side of an issue, the topic could be brought up again in future meetings. However there were prohibitions to bringing up a topic again. Mr. Joseph felt that Mr. Kiar made an erroneous decision and pointed out that the issue was never explained fully to the public. He advised that if the action was not rescinded, he would go to the State Attorney's Office to address this issue, because he believed it was wrong.

Mr. Joseph stated that he was an Air Traffic Controller and pointed out that the Town's Airport Advisory Board had virtually no aviation experience in its members. He believed the airport needed runway expansion and felt that Mayor Truex's earlier remark that the airport

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expansion compromised safety and security was irresponsible. Mayor Truex clarified that he did not speak against the expansion of the airport, but reiterated that the "current plans on the table" were the problem.

Mitch Topal, 12720 SW 13 Manor, spoke against Vice-Mayor Starkey's request calling for his removal from the Airport Advisory Board. He felt it was irresponsible of Vice-Mayor Starkey to use the Council meetings as a campaign platform and stated that attacking him when he was not present at the previous meeting was an abuse of office and of public trust. Mr. Topal stated that Vice-Mayor Starkey had attended meetings and did not allow much room for others' opinions and advised that several members had quit the board because they felt intimidated by Vice-Mayor Starkey. He voiced his hope that on Election Day, the voters would send the message that freedom of speech was alive in Davie.

Richard Myres, 1700 SW 83 Avenue, stated that street overlays had been promised for the Park City within three years, but nothing had been done in six years. He pointed out that there were elderly and handicapped people in the area and voiced the hope that something would be done quickly to address the problem. Mr. Myres spoke about the new water lines that were supposed to have been installed by the City of Sunrise. Councilmember Crowley stated that he would like the opportunity to meet with Mr. Myres to answer some of the residents' questions.

Mayor Truex asked Mr. Willi if he knew anything about the status of the Sunrise issue. Mr. Willi did not believe any legal team of the Town's was in any talks with Sunrise on the issue. He stated that to his knowledge permits had been issued.

Mayor Truex stated that he had heard there were waivers that needed to be signed. Assistant Town Administrator Ken Cohen stated that if there were issues, they were between Sunrise and the residents of Park City. He added that the Town was not standing in the way of the negotiations on this issue. Mr. Willi stated that he would have staff look into what was creating the delay with the waivers.

Councilmember Paul asked if Public Works/Capital Projects Director Bruce Bernard had a list indicating the road conditions and a schedule of when the roads would be repaired. Mr. Cohen indicated in the affirmative, but stated that it was not being delayed by the Town.

Ann Porterfield, 6831 SW 43 Street, stated that she was happy with the Town's sensitivity to homeowners over the years, but voiced her unhappiness with the building of a public service garage near her home. She advised that a portion of trees had recently been cut down which exposed a junkyard and a two-story auto shop for cars, trucks and large equipment. Ms. Porterfield and fellow residents felt that the Town allowed the structure to be built "behind their backs" and was concerned that property values in her area had already decreased. She requested an opportunity to meet with Council to discuss this. Councilmember Crowley stated he would be happy to meet with Ms. Porterfield. Mayor Truex stated that he would also be willing to meet with the residents to discuss this issue. He asked if there was landscaping yet to be installed. Ms. Porterfield stated she had been told that there was supposed to be a chain link fence and hedge built but she could still see the junkyard and the equipment regardless. She advised that since the problem could not be undone, she and other residents were requesting lots of landscaping.

Councilmember Paul asked if the trees that were removed were exotics. Mr. Bernard stated that although some Australian Pines had been removed, some would remain and advised

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that the compound would be secured with a fence. He advised that additional landscaping would be provided. Councilmember Crowley stated that residents still wished to sit down and speak with Mr. Bernard about the improvements planned.

Councilmember Paul suggested the possibility of a wall instead of a chain link fence. Mr. Bernard pointed out that residents would still be able to see over the wall.

Mayor Truex stated he would leave the issue with Councilmember Crowley and suggested handling this issue as a publicly noticed hearing. Councilmember Crowley agreed and stated he would meet with the residents on this issue.

Lee Stevens, 6841 SW 43 Street, also spoke in opposition to the garage project. He voiced his concern over the current noise problem and stated that when the garage was finally built, some kind of noise barrier against all the equipment would be needed, as several residents were home during the day. Mr. Stevens stated his desire to meet with Council to address this issue as well.

Barbara Tilley spoke on the water issue with Sunrise and advised that the Town was not delaying the project. She stated the delay was with the engineering company and their desire for authorization forms from the residents of Park City. Ms. Tilley spoke about overgrowth on three streets that led onto Pine Island Road and asked if Council could advise her where to go for help regarding whose responsibility it was to maintain the overgrowth. Mr. Bernard stated that the Town did cut foliage that hung over into the right-of-ways, but could not go onto private properties to cut excess tree overgrowth. Mr. Willi suggested that Code Enforcement write letters requesting that residents cut the excess vegetation.

Jerry Gemma, 14631 SW 21 Street, spoke about a speeding problem on his street and advised that a stop sign was needed because teenagers drag-raced down that street. He also requested speed humps and a stop sign at 145th Avenue. Councilmember Paul advised that as this was her district, she would discuss the issues with Mr. Gemma since speeding was the number one complaint she got from that area.

Fred Siegel, president of the Broward County Farm Bureau, advised residents that the South Florida Water Management District, the Broward County Farm Bureau and other organizations were in the process of developing the best management practices for the equine and nursery industries. He stated that residents involved with those industries who wished to be involved could contact him.

Norman Blanco, 2080 SW 72 Avenue, voiced his opposition to Mayor Truex's convictions and decisions on past matters. He stated that he felt Mayor Truex should have been in attendance at the United Way dinner to represent the Town. Mr. Blanco stated that the Open Public Meeting was not a forum for the Mayor and Vice-Mayor to debate with residents who approached the dais with their opinions. He urged Councilmembers to act with dissenters the same way they acted with supporters.

Richard Weiner, 10244 SW 18 Street, asked when the information he requested with regard to lawsuit settlements about Fen-Phen and other drugs would be disclosed by Vice-Mayor Starkey. He also mentioned a previous request he had made for public records related to Vice-Mayor Starkey's home computers. Mr. Weiner alluded to conversations Vice-Mayor Starkey may have had on the Internet, AOL, and chat rooms about Town business and asked if Council could dispel rumors related to this. He voiced his concern for water systems to be

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provided from the Town rather than relying on the City of Sunrise. Mr. Weiner suggested re-examining adding other districts since it appeared that Council wished to address the concerns of their districts more than others. He felt it might be necessary to have Town-wide elections again.

Lloyd Phillips, 14220 SW 29 Court, stated that his family had been stalked by Scott Kevin Bagwell for years and the Town was doing nothing to help in a timely manner. He indicated that his child had been affected by Mr. Bagwell's actions. Mr. Phillips discussed the problems and requested that the matter be taken care of.

Dean Alexander, 13820 SW 16 Street, spoke in response to Mr. Weiner's comments. He stated that he had a well on his property that he was very happy with and he did not want Sunrise water. Councilmember Paul thanked Mr. Alexander for his comment and indicated that several resolutions had been passed over the years that allowed Oak Hill to maintain their wells.

Mayor Truex advised that the petitioner had requested that items 4.30 and 4.31 be tabled until November 19, 2003.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that staff had requested that items 6.4 and 6.7 be tabled to November 19, 2003. Councilmember Paul added that item 4.28, concerning a boundary plat, was requested to be tabled to November 19th.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that staff had requested that item 6.8 be tabled until December 3, 2003.

Councilmember Paul made a motion to table, seconded by Councilmember Crowley, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that staff had requested that item 6.9 be tabled to December 3, 2003.

Councilmember Paul made a motion to table, seconded by Councilmember Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that the petitioners had requested that item 4.12 be tabled to December 17, 2003. Councilmember Paul advised that she had spoken to the attorney handling this case who had asked to table the item until after the closing in January.

John Voight advised that the request was submitted before the contract was signed.

Vice-Mayor Starkey indicated that she spoke with Mr. Laystrom who stated that he requested the tabling to December 17th. She asked Mr. Voight if Mr. Laystrom would have any objection to tabling to January. Mr. Voight stated that Mr. Laystrom had no objection to tabling to January.

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Councilmember Paul made a motion, seconded by Councilmember Hubert, to table to January 21, 2004. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex requested to add item 9.2 regarding the JCC bonds.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Starkey requested to add items regarding Math Igler and the Airport Expansion to the agenda.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to add items 9.3 and 9.4. In a voice vote, all voted in favor. (Motion carried 5-0)

**4. APPROVAL OF CONSENT AGENDA**

*Minutes*

- 4.1. September 15, 2003 - Workshop Meeting
- 4.2. September 17, 2003 - Regular Meeting
- 4.3. September 30, 2003 - Joint Meeting
- 4.4. October 1, 2003 - Regular Meeting

*Proclamations*

- 4.5. Native American Heritage Month (November 2003)
- 4.6. National Epilepsy Awareness Month (November 2003)

*Home Occupational Licenses*

- 4.7. Daston, Inc., 4810 SW 57 Terrace
- 4.8. Data Transform Consulting, 14203 SW 26 Street
- 4.9. Homes Redefined, 3420 SW 117 Avenue
- 4.10. LSB Home School and Child Care, Inc., 4152 SW 107 Way
- 4.11. Pro Qual Services Corp., 13331 SW 29 Court

*Resolutions*

- 4.12. **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A BOUNDARY PLAT KNOWN AS WOODBRIDGE RANCHES AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 7-2-02, Woodbridge Ranches, Pulice Land Surveyors, Inc./Southern Homes of Davie III, 1750 SW 136 Avenue) (tabled from August 20, 2003) *Planning and Zoning Board recommended denial***

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- 4.13. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A THREE YEAR LEASE AGREEMENT WITH GE CAPITAL TO FUND THE COST OF IMPLEMENTING A NEW TELEPHONE SYSTEM FOR THE TOWN AND AUTHORIZING THE MAYOR TO EXECUTE A THREE YEAR MAINTENANCE AGREEMENT WITH TELESWITCH TECHNOLOGIES, INC. (\$294,896) (tabled from October 15, 2003)
- 4.14. **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING AN ANNEXATION AGREEMENT BETWEEN THE TOWN OF DAVIE AND JOLMY ENTERPRISES, INC. AND PROVIDING AN EFFECTIVE DATE. (tabled from October 15, 2003)
- 4.15. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN TO RETAIN THE LEGAL SERVICES OF BECKER & POLIAKOFF, P.A. AND PROVIDING AN EFFECTIVE DATE. (tabled from October 15, 2003)
- 4.16. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN SADDLE UP TOWNHOME ASSOCIATION AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 4.17. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN UNIVERSITY PARC RESIDENCES CONDO, INC. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 4.18. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A SUBLEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND BOYS CLUB OF BROWARD COUNTY, INC. DOING BUSINESS AS BOYS & GIRLS CLUB OF BROWARD COUNTY, AND A LEASE AGREEMENT WITH THE SCHOOL BOARD OF BROWARD COUNTY FOR A SITE LOCATED AT MCFATTER TECHNICAL CENTER; AND PROVIDING AN EFFECTIVE DATE.
- 4.19. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN PROJECT STABLE OF BROWARD COUNTY AND THE TOWN OF DAVIE. (waiver of fee - \$500)
- 4.20. **ADAPT PROGRAM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO PARTICIPATE IN THE A.D.A.P.T. PROGRAM.

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- 4.21. **EXTENDING FRANCHISE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE FRANCHISE WITH E.A.S.E. FOUNDATION, INC. FOR BUS SHELTERS.
- 4.22. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY BROWARD COUNTY FOR LOCATING & MARKING UNDERGROUND FACILITIES, SOUTHEAST FLORIDA COOPERATIVE PURCHASING GROUP BID NO. P-08-02-192-B1. (Craig A. Smith and Associates, Inc. - \$57,000)
- 4.23. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR REALIGNMENT OF SW 136TH AVENUE AND SW 14TH STREET INTERSECTION. (Budget Construction Co., Inc - \$465,857.80)
- 4.24. **SETTLEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING \$8,000.00 AS PAYMENT IN FULL OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL NUMBER 23, AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.25. **SETTLEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AFFIRMING THE SETTLEMENT AGREEMENT BETWEEN SOUTHERN HOMES OF DAVIE, LLC AND THE TOWN OF DAVIE, CASE NUMBERS 02-015674 (11) AND 02-015724 (21) PENDING IN THE 17TH JUDICIAL CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.26. **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE THE PURCHASE CONTRACT FOR THE PARCEL KNOWN AS VAN KIRK. (\$8.9 million)
- 4.27. **DEVELOPER'S AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND ALICE U. BUTLER & DAVID A. CLARK FOR REGIONAL ROAD CONCURRENCY RELATING TO THE PINE MEADOW ESTATES II PLAT; PROVIDING FOR RESTRICTIONS TO SATISFY CONCURRENCY REQUIREMENTS; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. (DA 6-2-03, 2255 SW 136 Avenue)

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- 4.28. **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A BOUNDARY PLAT KNOWN AS SHERIDAN HOUSE NO. 3 AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 8-1-01, 1400 Flamingo Road)**
- 4.29. **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A BOUNDARY PLAT KNOWN AS UNITED WAREHOUSES AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 4-1-03, 4350 SW 59 Avenue)** *Planning and Zoning Board recommended approval*

*Site Plans*

- 4.30. SP 10-7-02, Warren Henry/Regency Square, 4801-4991 SW 148 Avenue (PUD) (tabled from October 1, 2003) *Site Plan Committee recommended approval with the conditions that the applicant send a letter to the president of the homeowner's association [Chelsea Homeowners' Association] stating the date when this item was to be reviewed by the Town Council; and that the lighting levels on the east side of the buildings be at the lowest possible levels that the Police Department would allow after 9:00 p.m.*
- 4.31. **APPLICANT IS REQUESTING A TABLING TO NOVEMBER 19, 2003**  
SP 3-1-03, Country Western Store, 7500 and 7550 Griffin Road (B-2) *Site Plan Committee recommended approval based on the applicant revising the townhouse plans to match the elevations as presented and coming back before this committee before permits; that the dumpster be moved from the parking area to somewhere near the office building; redesign the west parking to allow only one access point into that parking area (the southern most driveway); change the color of the hardy board on the office building to a darker color; on the office building, stagger the flat front canopy to allow for the palms and planters as shown; put in a crosswalk hatching from the west parking to the office building, across the entrance; evaluate the landscape berm plantings on the south property line; and evaluate the Royal Palms in front of the commercial building*

*Temporary Use Permits*

- 4.32. TU 9-2-03, Happy Holidays Seasonal Sales, 7911 Orange Drive (Christmas tree sales)
- 4.33. TU 9-4-03, Davie Merchants, 2701 North University Drive (Christmas tree sales)
- 4.34. TU 10-1-03, International Tool Corporation, 2590 Davie Road (sidewalk sale)

Councilmember Paul requested that items 4.5 and 4.14 be removed from the Consent Agenda. Vice-Mayor Starkey requested that items 4.15, 4.19 and 4.23 be removed. Mayor Truex requested that item 4.13 be removed.



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Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to approve the Consent Agenda without items 4.5, 4.13, 4.14, 4.15, 4.19, and 4.23. In a voice vote, all voted in favor. (Motion carried 5-0)

**5. DISCUSSION OF CONSENT AGENDA ITEMS**

4.5 Councilmember Paul referred to the proclamation honoring Native American Heritage Month. She spoke highly about the partnership the Town had with the Seminole Tribe of Florida and acknowledged them through the proclamation.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.13 Mayor Truex asked how GE Capital was selected on the lease agreement. Assistant Budget and Finance Director Carol Menke advised that the agreement was with Teleswitch, then Environmental Leasing - as a kind of joint arrangement.

Vice-Mayor Starkey questioned some of the line items on the agreement and pointed out a discrepancy in the calculations of pricing for 36 months. Information Systems Director Frank Apicella indicated that the \$142,000 referred to partial progress payments made to Teleswitch from GE Capital for maintenance. Ms. Menke pointed out that the Town was actually paying Teleswitch, then getting reimbursed by GE Capital, then paying the funds back on a lease over three years. She added that the payments included the annual maintenance.

Mayor Truex asked whether at the end of 36 months, the Town had to return the equipment or pay the value at whatever it was worth at that time. Ms. Menke advised that it would not be the Town's equipment after three years, but that the Town had the option to negotiate to upgrade the technology or extend the lease. Mayor Truex questioned paying for the equipment on a lease for three years, without owning the equipment at the end of the period.

Vice-Mayor Starkey was concerned about the contract figure of \$142,000. Mr. Apicella indicated that the \$142,000 referred to progress payments to Teleswitch for delivery and installation of the equipment. He was not sure why GE Capital had that figure listed under maintenance. Vice-Mayor Starkey voiced her concern that the current contract's Maintenance Lease Agreement gave the appearance that the \$142,000 over 36 months signified much more than the \$24,000 the Town was approving. She requested that before signing the contract, the calculations be explained. Mr. Apicella indicated that the \$142,000 were progress payments for the first stage of the implementation and that the \$24,000 was multiplied by three, which was the amount designated for the maintenance for the Teleswitch system. Vice-Mayor Starkey asked that this still be further clarified.

Councilmember Crowley made a motion, seconded by Councilmember Paul, to approve item 4.13. In a voice vote, all voted in favor with Mayor Truex dissenting. (Motion carried 4-1)

4.15 Vice-Mayor Starkey advised that she had spoken to both Gary Poliakoff and Daniel Rosenbaum on this issue. She stated that Mr. Rosenbaum had no objections to making amendments to the contract which would address several of her concerns. Vice-Mayor Starkey

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stated that Mr. Rosenbaum had no objection to including a Termination at Will clause as an addendum.

Jeff Rembaum, representing Becker & Poliakoff, indicated that a client could fire its lawyer at any time. Mr. Kiar indicated that there had been a revision to the contract and read said revision to Council.

Vice-Mayor Starkey requested that Council be provided with reasonable updates and reports and amended language that would address these concerns. Mr. Rembaum felt that the best way to accomplish this in consideration of the attorney-client privilege would be to provide Mr. Willi with bi-monthly reports. He stated that the firm would be willing to meet with Council at executive sessions.

Vice-Mayor Starkey reminded Council that her ongoing concern on this issue was that Council was left out over the past seven months. She requested that better communication and accountability to the public be exercised on this issue in the future. Mr. Kiar indicated that the Town Attorney's Office provided a litigation update every two weeks in order to keep Council informed on litigation matters. Mr. Rembaum indicated that his firm would take all direction from Council in that regard notwithstanding any conflicts that may exist.

Councilmember Paul voiced her concern that the suggestions under discussion were not yet in writing. Mr. Rembaum requested that the second paragraph be amended to reflect the wording "such that the firm provide the Davie Town Council, through the Town Administrator..." followed by whatever instructions Council had for Mr. Willi.

Mayor Truex suggested that it might be a good idea to have an executive session to further discuss this issue. Mr. Rembaum suggested that the second paragraph be eliminated only for the purpose of this Council meeting with the understanding that at the first executive session, Council would put in place the changes desired. Mayor Truex requested setting up an executive session to discuss this item.

Councilmember Hubert asked how long it would take for this issue to be resolved. Mr. Rembaum indicated that he would be in a position to better answer once the Statute went into effect under Chapter 73 and when the Town authorized an offer to be made. He gave a "loose estimate" of 90-120 days or up to three years.

Councilmember Hubert made a motion, seconded by Councilmember Crowley, to approve item 4.15 subject to including the amended language as provided by Mr. Kiar and subject to having an executive session. In a voice vote, all voted in favor. (Motion carried 5-0)

4.19 Vice-Mayor Starkey indicated that the contract had the wrong dates and that it should reflect March 28, 2004. Special Projects Director Bonnie Stafiej explained that this was an error. Vice-Mayor Starkey pointed out another error in the second paragraph, which indicated a date of "includes light fee for May 30th. Ms. Stafiej explained that the wrong document was provided to the Town Clerk's Office. She clarified that the project was a horse charity show to be held on March 28, 2004 and requested having the fees waived on that date.

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Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to approve subject to amending Paragraph 2 to reflect March 28, 2004, and subject to amending Paragraph 1 to reflect March 28, 2004 in all relevant places. In a voice vote, all voted in favor. (Motion carried 5-0)

4.18 Mayor Truex indicated that item 4.18 needed to be corrected to reflect the correct number of acres.

4.23 Vice-Mayor Starkey asked for an explanation of the funding sources. Mr. Bernard explained why the different accounts were being used.

Mayor Truex referred to calculations on the back page of the resolution which did not add up to the total figure stated. Vice-Mayor Starkey asked whether this figure was approved from the previous Capital Budget for the realignment. Mr. Bernard indicated in the affirmative and pointed out that this figure had been in the Capital Budget for over 4 years.

Councilmember Paul stated that she wished to discuss possibly adding a stop sign at a roundabout. Mr. Bernard indicated that that would need to go before Broward County.

Mr. Bernard pointed out that there was an item on the agenda that would put \$16,000 back into the budget that might lower the funds available for this project.

Mr. Kiar asked whether this would be accomplished using existing right-of-ways. Mr. Bernard indicated in the affirmative.

Councilmember Paul made a motion to approve, seconded by Vice-Mayor Starkey. In a voice vote, all voted in favor. (Motion carried 5-0)

4.14 Councilmember Paul stated that she felt torn in relation to billboard issues, but that she understood that this was a contract issue that existed through the annexation. She asked Mr. Burke or Mr. Moody if they intended to stay within the Town's standard of 60 feet. Mr. Burke advised that the proposed agreement provided that the County regulations would be controlled by the Town's regulations. Councilmember Paul asked whether the Department of Transportation (DOT) would issue permits. Mr. Burke advised that if an applicant wished to put up a billboard, he had to first come to the Town to complete a DOT application which Development Services Director Mark Kutney would review, and then the Town would issue a permit for the signs. Mr. Burke explained that the permits were then taken to the Florida DOT.

Councilmember Paul asked Mr. Willi whether an applicant could ask DOT to approve anything higher than what the Town permitted. Mr. Willi indicated that he did not believe this was the case. Mr. Moody clarified that DOT could not approve an application for higher billboards if the individual municipality did not approve the permit.

Mayor Truex asked Mr. Moody if the applicant would seek a variance to go above 60 feet. Mr. Moody indicated in the negative and added that the plans from the Engineering Department indicated that the signs should not exceed 65 feet. Mayor Truex asked where the 60 feet measurement would begin. Mr. Moody advised that it would be at the crown of the road (I-595). Mayor Truex referred to Code Section 2-238(J)(9) and read a portion which outlined the stipulations for billboard signs. He asked if Mr. Burke had to observe the rules pertaining to billboards as outlined in this Section. Mr. Burke voiced the opinion that the applicant would

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have to abide by the details of the signs that were present in the Code, but would not have to apply to install the three signs due to the annexation agreement. He indicated that all other detailed provisions such as the height, the size, the charitable contribution would be applicable and governed by the Code.

Mayor Truex asked Mr. Burke what section the height issue was on. Mr. Burke indicated that Section 238(J)(9) provided that there would be no more than 60 feet above the crown of any adjacent limited access arterial roadway. Mr. Burke indicated that the agreement did not address that particular ambiguity and needed to be clarified.

Councilmember Crowley asked if the applicant would have to come back to the Town to determine exactly which point of the crown of the road was acceptable. Mr. Moody indicated that the applicant would still have to come before the Town for height approval.

Councilmember Paul stated that it was difficult to visualize the signs with regard to their placement and height of the signs. She requested more information about the billboards in relationship to the ramps. Mr. Myers, representing Jolmy Enterprises, identified on the map the off-ramp he believed would be used to calculate the height of the billboard. Mr. Moody felt that the grade of the property should not be used in the calculation. He indicated that the accepted premise was the crown of the road.

Councilmember Paul asked staff for assurance that the approval before Council was actually for the amendment to the annexation agreement and not for the locations. Mr. Myers felt that it did include locations which had already been surveyed. Mr. Burke disagreed and felt that specific locations were not being approved at this time.

Vice-Mayor Starkey read a portion of Section 756.52.2. She stated that in the new agreement as well as the Town's Code, these concerns would be brought before the Site Plan Committee. Mr. Burke stated that the agreement provided that the applicant comply with the Town's Code.

Mayor Truex spoke against this agreement and the billboards. He believed that adding more distractions at that location would prove extremely hazardous and felt the location was wrong. Mayor Truex stated that the applicant's attorneys repeatedly told the Town that they had the right to build these signs; however, Mr. Kiar felt the applicant did not have the right to build these signs, except with the Town's approval. Mayor Truex hoped that whoever approved the agreement would at least consider having the adjacent roadways specified.

Councilmember Hubert made a motion, seconded by Councilmember Crowley, to approve with the stipulation of using the crown of the road as it currently stood at 60 feet, and subject to clarifying the exact height. Councilmember Hubert clarified that whatever the height was of the crown of the adjacent road today, the billboard could be 60 feet above that crown. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Starkey - no; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 3-2)

A question was raised whether the applicant had to come back before Council. Mr. Burke proposed preparing an addendum for Mr. Myers to sign, which would be brought back before Council later that week.

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6. PUBLIC HEARING

*Ordinances - Second and Final Reading*

- 6.1. **HOBBY FARMS** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA ESTABLISHING THE RIGHT OF RESIDENTS OF THE TOWN OF DAVIE TO MAINTAIN "HOBBY FARMS" WITHIN THOSE RESIDENTIAL AREAS OF THE TOWN OF DAVIE WHICH ARE PRESENTLY ZONED TO PERMIT AGRICULTURAL USES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading October 15, 2003 - all voted in favor with Councilmember Paul being absent}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

- 6.2. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 7-2-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-5, LOW MEDIUM DWELLING DISTRICT; TO AG, AGRICULTURAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-2-03, Lemons/Bolender, 1390 South Flamingo Drive) *Planning and Zoning Board recommended approval* **{Approved on First Reading October 15, 2003 - all voted in favor with Councilmember Paul being absent}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Hubert asked if the applicant planned to make a business out of boarding horses in these establishments. Planning and Zoning Manager Fernando Leiva indicated that the applicant had stated that they would not create a commercial establishment and that they would take care of a number of horses.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

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*Ordinance - First Reading (Second and Final Reading to be held November 19, 2003)*

- 6.3. **PERMITTED USES - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LIST OF PERMITTED USES WITHIN THE B-2, COMMUNITY BUSINESS DISTRICT AND B-3, PLANNED BUSINESS CENTER DISTRICT TO INCLUDE "STORE FRONT HOUSES OF WORSHIP"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.** (Local Planning Agency tabled to November 12, 2003)

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that a public hearing would be held on November 19, 2003.

Mayor Truex opened the public hearing portion of the meeting.

Pastor Jay Carrero, 5619 South University Drive, expressed his feelings of frustration with the issue at hand. He voiced the hope that the Council would help move the process forward.

Walter Swaim, Las Americas Baptist Church - 10470 Taft Street, spoke about the congregation's need to have a place to hold services. He stated that the delay in this request had limited their ability to operate and the church as incurred additional unexpected expenses. Pastor Swain urged Council to approve the request.

Ruth Dreyer, 11555 SW 21 Court, spoke against this ordinance as she felt it would give carte blanche approval to such establishments. She stated that she was not opposed to the organizations efforts, but did not want to see the Town provide a "blanket" rezoning.

Mayor Truex closed the public hearing.

Mayor Truex asked for an update on the changes to the ordinance since the last Council meeting. Attorney Andre Parke spoke about the amendments which pertained to the maximum square footage of 8,400.

Mr. Kiar spoke about three recommendations brought up by the Local Planning Agency on this issue. These included: 1) having a 2,500-foot separation that applied to freestanding churches be applied to storefront churches; 2) having only one storefront house of worship in a shopping center; and 3) having a specified distance separation between the storefront houses of worship and childcare facilities. He stated that the draft on the agenda provided for a maximum of 8,500 square feet and that in any shopping center, no more than 25% of the shopping center should be occupied by storefront houses of worship.

Councilmember Paul asked why this ordinance was being brought before Council if it had been tabled by the Local Planning Agency. Mr. Parke stated that there was nothing in the Code that precluded this and advised that the Local Planning Agency would still hear the issue before Council made a final deliberation. Councilmember Paul also stated that in the past, Council had overruled the Local Planning Agency and the Planning and Zoning Board and felt that anything that would be approved now could be challenged in the future. She suggested that the issue be handled on an individual basis by permit as opposed to codifying it for the entire Town. Mayor Truex indicated that he would not be opposed to that but felt that by federal law, there had to be a reason for doing that. He asked Councilmember Paul what her objection was to having a storefront house of worship and why the Town would discriminate against a house of worship. Councilmember Paul felt that it was not a question of discrimination and felt that the strip mall was designed for retail service to service the

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community. Mayor Truex asked how a house of worship would be treated any different. Councilmember Paul felt that the Town needed to take a look at master planning in terms of what the Town really needed. Councilmember Paul questioned whether the 2,500-foot rule would apply in this case. Mayor Truex indicated that the rule did not apply to this situation and would only apply to freestanding houses of worship. Mr. Parke indicated in the affirmative.

Councilmember Hubert asked if the applicants were seeking a storefront church because they were eventually planning to build a freestanding church. Pastor Carrero indicated that the storefront church was a temporary solution and that they were in the process of building and constructing a freestanding building. Councilmember Hubert asked how long they had been occupying space in the current shopping center. Pastor Carrero indicated that they had been in this location for approximately six years. He added that they had moved two previous times and were merely requesting one more move prior to moving into the new facility.

Councilmember Paul asked why it was decided to proceed in this fashion as opposed to just making an accommodation for this particular church. Mayor Truex indicated that in the past, storefront houses of worship were permitted but that the current staff was of the opinion that they were not. He stated that as long as the current configurations of the storefront churches remained the same, they would be permitted to remain in the shopping centers. However, if they wished to expand or move, they would not be permitted to do so.

Councilmember Crowley felt that a timeframe should be placed in the ordinance in relation to the time they occupy the storefront because at some future time, such organizations should be in the CF zoning category. He stated that he would support the issue at first reading and expressed his desire to discuss the issue with staff and with the Community Redevelopment Agency (CRA) and the Economic Development Council (EDC). Councilmember Hubert felt that a reasonable timeframe would be ten years since the current applicants had been in that location for six years. Mayor Truex felt that imposing a ten-year timeframe on a house of worship would be an issue of discrimination.

Councilmember Paul indicated that she would not support the ordinance on first reading and requested a meeting with Mr. Kiar to discuss the federal law alluded to by Mayor Truex. She also expressed her desire to read the minutes from the EDC and CRA.

Vice-Mayor Starkey indicated that she had spoken to members of the CRA and the EDC and was not sure that their concerns could be addressed. She stated that the biggest concern was attracting new development into the CRA and whether or not the funds the Town used would be able to have that tax money used for such a shopping center.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to approve item 6.3. In a voice vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - no. (Motion carried 4-1)

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*Ordinances - First Reading/Quasi Judicial Item (Second and Final Reading to be held November 19, 2003)*

- 6.4. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM P.U.D. (COUNTY), PLANNED UNIT DEVELOPMENT DISTRICT TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-2-02, Town of Davie, 4703 SW 148 Avenue) (tabled from October 1, 2003) *Planning and Zoning Board recommended approval*

This item was previously tabled.

- 6.5. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-5-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO A-1, AGRICULTURAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 3-5-03, Home Dynamics Corporation/Nadeau Charitable Foundation, Inc, 1900 Hiatus Road) *Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that a public hearing would be held on November 19, 2003.

Mr. Kiar advised the public of the rules for the Quasi-Judicial hearing and swore in the witnesses. Mr. Leiva summarized the planning report.

Bonnie Miskel, representing the petitioner, stated that their proposal was more restricted than their neighbor and would include a 50-foot scenic corridor along Hiatus Road. She advised that the project was consistent with the Town's Comprehensive Plan and even with the zoning change, they would be the most restrictive property as far as lot sizes and setbacks were concerned.

Councilmember Paul asked where the existing wetlands were on the site plan rendering. Ms. Miskel indicated that it covered almost the entire site.

Alejandro Alfino, representing Home Dynamics, spoke on the merits of the petition and indicated there were 75 acres of wetlands on the site. He indicated that they were creating mitigation to buffer the development from the adjacent street and create a large wetland as requested by staff.

Vice-Mayor Starkey stated that she was of the impression that the County performed an environmental study to determine the wetland quality and that the County deemed only a certain portion of it. She stated that anything done to mitigate after that would be an enhancement to any part of the environment and asked Mr. Alfino to clarify the environmental study. Mr. Alfino stated that the existing wetland was of very low quality.

Vice-Mayor Starkey disclosed that she spoke with Mr. Hallet and stated there were certain areas, such as Robbins Lodge, that would enhance the qualities of the area. She stated



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that the Town wanted to work with Central Broward, the developer and the Department of Planning and Environmental Protection to ensure that the quality of the water and the wetlands would stay within the basin. Mr. Alfino pointed out that the wetlands created would be true wetlands.

Vice-Mayor Starkey stated that there were ongoing discussions with staff regarding the improvements of the Hiatus Road canal and the drainage issues. She indicated that that area was used and enjoyed throughout the year, but there was a portion that was constantly wet. Mr. Alfino indicated that there was a condition to provide trails through the wetland areas, but the South Florida Water Management District had denied the request.

Vice-Mayor Starkey asked Mr. Alfino to clarify how much was going to be onsite the 17 acres. Mr. Alfino stated that they may need 30-35 acres off site. He indicated that they have a permit pending with the South Florida Water Management District.

Vice-Mayor Starkey asked Ms. Miskel if there would be a decrease in the density that was originally platted. Ms. Miskel indicated in the affirmative. She indicated that they could develop up to 88 acres which was a reduction of 26 units.

Councilmember Crowley indicated he would refrain from comment until site plan review.

Mr. Kiar opened the public hearing portion of the meeting.

Richard Eikley, 11157 SW 17 Manor, spoke in opposition to the project as he felt the increase in 62 houses would cause an increase in traffic conditions on Hiatus Road and would have a negative affect.

John Kemper, 1941 SW 105 Avenue, spoke in opposition to the project as he felt there was too much development already in the area and would adversely affect his neighborhood.

Mr. Kiar closed the public hearing.

Ms. Miskel indicated that the development and the entitlements associated with the property had been there for a great deal of time. She pointed out that the developer had the right to build 88 units, but was only seeking to build 62 units. Ms. Miskel stated that the petitioner had designed a right turn lane into the main entryway and a left turn lane heading southbound onto Hiatus Road.

Councilmember Paul disclosed that she had received e-mails and photos from the Shaw family and other residents on this issue. Mayor Truex and Councilmembers Crowley and Hubert disclosed that they had also received the same e-mails. Vice-Mayor Starkey disclosed that she had also received the same e-mails, but she had spoken with Mr. Reyes and other residents. She stated that over a number of years, she had received several e-mails regarding this matter.

Vice-Mayor Starkey stated that approvals would have the impacts as far as traffic at schools and stated that those issues would need to be mitigated. She felt that the extreme overcrowding of schools was a concern as well as the traffic issues along Hiatus Road. Vice-Mayor Starkey stated that she would like to see additional improvements from the development to 26th Street. She advised that she would like to see an agreement regarding the split islands with brick pavers for traffic calming. Ms. Miskel stated that the petitioner would be in agreement with the split islands.

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Councilmember Paul asked if there was any way to increase the wetland on site. Mr. Alfino advised that if that happened, it would reduce the number of units that could be built and would also reduce the off-site mitigation that would be required. Councilmember Paul voiced her concern regarding the removal of the natural habitat. Mr. Alfino assured Councilmember Paul that the wetlands would provide a home to the wildlife.

Councilmember Crowley made a motion, seconded by Vice-Mayor Starkey, to approve item 6.5, subject to installing road improvements as discussed. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

*Quasi Judicial Item*

- 6.6. **VARIANCE** - V 8-2-03, Jones, 3677 Amelia Island Lane (R-5) (to reduce the minimum rear yard from 15 feet to 5 feet and the minimum side yard from 10 feet to 15 feet at the north and west property lines) *Planning and Zoning Board recommended approval*

Mr. Andre Parke read the rules for the Quasi-Judicial procedure and swore in the witnesses. Mr. Kutney summarized the variance request at issue.

Eddie Jones, the petitioner, stated that he wished to build a quality gazebo which would add to the appeal of his neighborhood. He stated that he had received approval from the homeowner's association and advised that his neighbors had no objection to the gazebo.

Mr. Parke opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Starkey disclosed that she spoke with Mr. and Mrs. Jones and Mr. Rietsma, of the homeowner's association on this issue. She indicated that Mr. Rietsma and the residents supported the issue.

Vice-Mayor Starkey made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

*Items to be tabled*

- 6.7. **STAFF REQUESTING A TABLING TO NOVEMBER 19, 2003**  
CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-238(J)(9) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from September 17, 2003) **{Approved on First Reading September 17, 2003 - all voted in favor with Councilmember Paul dissenting}**

This item was tabled earlier in the meeting.

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6.8. **PETITIONER REQUESTING A TABLING TO DECEMBER 3, 2003**

LAND USE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS APPLICATION LA 03-07, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL 1 DU/AC" TO "EMPLOYMENT CENTER - LOW"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (tabled from September 17, 2003) (LA 03-07, Industrial Developments International, Inc/Wilson Road Company, Inc., Herzig and North, 5800 SW 59 Avenue) *Local Planning Agency recommended denial* **{requires supermajority vote}**

This item was tabled earlier in the meeting.

6.9. **STAFF REQUESTING A TABLING TO DECEMBER 3, 2003**

TEXT AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS APPLICATION LA(TXT) 03-08A, AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT TO DELETE THE "EMPLOYMENT CENTER" LAND USE CATEGORY AND TO ESTABLISH EMPLOYMENT CENTER LAND USES TO INCLUDE AN "EMPLOYMENT CENTER-LOW" LAND USE CATEGORY AND AN "EMPLOYMENT CENTER-HIGH" LAND USE CATEGORY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from September 17, 2003) *Local Planning Agency recommended approval subject to the following uses being deleted from Employment Center-Low: fabrication and assembly; hotels, motels, and similar lodging; and community facilities* **{requires supermajority vote}**

This item was tabled earlier in the meeting.

7. **APPOINTMENTS**

7.1. Airport Advisory Board (one exclusive appointment - Vice-Mayor Starkey; term expires December 2003)

Vice-Mayor Starkey appointed Stephanie Osbourne.

7.2. Child Safety Board (one exclusive appointment - Vice-Mayor Starkey and Mayor Truex; term expires April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

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- 7.3. Community Relations Advisory Board (one exclusive appointment - Councilmember Hubert and Mayor Truex; terms expire April 2004)

Vice-Mayor Starkey appointed Dr. Pratt.

- 7.4. Open Space Advisory Committee (one exclusive appointment - Vice-Mayor Starkey; term expires April 2004)

No appointment was made.

- 7.5. Parks and Recreation Advisory Board Agency (one exclusive appointment - Vice-Mayor Starkey; term expires April 2004) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.6. School Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2004) (insofar as possible, members shall have experience in educational matters, related occupations or other similar skills)

No appointment was made.

- 7.7. Senior Citizen Advisory Board (two exclusive appointments - Mayor Truex; terms expire April 2004) (members shall be a minimum 60 years of age)

No appointment was made.

- 7.8. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2004) (insofar as possible, one member of the board shall be a licensed engineer)

No appointment was made.

**8. OLD BUSINESS**

There was no old business to be discussed.

**9. NEW BUSINESS**

- 9.1. In Memoriam of Barbara Ericksen (Councilmember Paul)

Councilmember Paul spoke in memoriam of Ms. Ericksen, a resident who had provided years of support to the Town and to the County schools. Councilmember Paul spoke highly of the work that Ms. Ericksen performed over the years, especially with Kids Voting Broward. Vice-Mayor Starkey also spoke in memory of Ms. Ericksen and stated that she would be missed.

- 9.2 United Jewish Community of Broward Bond Series

Ms. Menke indicated that approval of this item would only allow for the advertising for a future public hearing.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

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#### 9.3 Airport Expansion

Vice-Mayor Starkey indicated that funding needed to be allotted for advertising efforts by the joint Airport Advisory Committees of Davie, Dania Beach and Hollywood with regard to the airport expansion issue. She pointed out that the joint committees from Dania Beach and Hollywood were seeking a \$5,000 pledge from each municipality to pay for a brochure and flyer.

Councilmember Paul asked if the money would be better spent paying for lobbyists going directly to the County Commissioners. Vice-Mayor Starkey advised that the campaign was simply to inform the public in order to move forward quickly in order to address the residents' quality of life issues.

Councilmember Paul voiced her concern about the expenditure for the campaign in such a limited space of time. She asked if Council felt the money would be well spent in this way. Mayor Truex felt that this would be money well spent.

Councilmember Paul asked what the content would be and felt it would be a good use of the funds if the Town had some input into the content of the advertising. She also felt the Town's Airport Advisory Board member who had voiced opposition to the Council should not be removed from the Board.

Councilmember Crowley felt that the Town should continue the partnership with Dania and Hollywood. He questioned who was being paid the \$5,000. Vice-Mayor Starkey believed the money was going to Dania Beach.

Council made a unanimous decision to allocate the \$5,000 for the advertising funds requested by Dania Beach.

#### 9.4 Math Iglar Groves

Mr. Kiar advised that his office had not received a copy of a particular piece of correspondence related to this issue before the current meeting date. He stated that his office also had a problem with the way the resolution was drawn.

Vice-Mayor Starkey clarified that this issue related to the Math Iglar Grove acquisition. She advised that the County had approved County Commissioner Parrish's discretionary funds for the Math Iglar Grove to be purchased as part of the preservation efforts. Vice-Mayor Starkey advised that she received a phone call requesting that Council move on this issue.

Mr. Willi wondered why this was being rushed when the letter from Mr. Parke could be placed on the November 19th agenda. He pointed out that there were some issues in the resolution that were not yet complete, therefore, the current discussion was premature. Mr. Willi voiced his hesitation to move this item forward as certain items in the resolution had not been agreed upon.

Mr. Kiar advised that he originally wanted to place this on the November 19th agenda, but that Mr. Burgess asked that it be put on the current agenda. Vice-Mayor Starkey felt this was necessary in order to not jeopardize the purchase of this property.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to approve as approved by Mr. Kiar and subject to the request that it be signed that night by Mayor Truex. In a voice vote, all voted in favor. (Motion 5-0)

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**10. MAYOR/COUNCILMEMBER'S COMMENTS**

**58TH AVENUE.** Councilmember Hubert asked for a staff update on 58th Avenue due to complaints that she received regarding the condition of the road there. She thanked Assistant Town Administrator Ken Cohen and Mr. Bernard for their efforts on weekend projects.

**PIONEER DAYS.** Councilmember Crowley spoke about his involvement at Pioneer Days.

**TREE GIVEAWAY.** Councilmember Paul referred to a recent tree giveaway at the Old Davie School where over 2,000 trees were given away.

**FARM BUREAU CONFERENCE.** Councilmember Paul mentioned that as a recent appointee to the Broward Farm Bureau Board of Directors, she had attended a conference where Broward County was well respected for taking a stand on protecting the farms and nurseries.

**SCHOOL ADVISORY COMMITTEE.** Councilmember Paul advised that she had joined the School Advisory Committee at Western High School. She said that she was enjoying working with the Committee members.

**METROPOLITAN PLANNING ORGANIZATION.** Councilmember Paul indicated that she had received a letter from County Mayor Ilene Lieberman regarding roadway expansion and noise abatement.

**COUNCILMEMBER'S COMMENTS.** Mayor Truex referred to previous suggestions that the Councilmember's Comments portion of the meeting be moved to the end of the meeting. He stated that after the March election, the Comments were moved to the end. Mayor Truex advised that if any Councilmember wanted to respond to comments under the Open Public Meeting, time would be provided.

**FISCAL IMPACT STUDY.** Mayor Truex asked about the Fiscal Impact Study and asked whether the model program was ready to be tested yet. Mr. Willi indicated that a version of the statement was ready and may be available for Council to test.

**11. TOWN ADMINISTRATOR'S COMMENTS**

No comments were provided.

**12. TOWN ATTORNEY'S COMMENTS**

No comments were provided.

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting adjourned at 11:27 p.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk